



# Abandoned Yachts and Boats

The record-breaking rise in abandoned boats across the UK in 2024 has prompted fresh concerns over the potential issues and dangers they raise, alongside questions as to what to do with them. Most recently, Prince William's estate, the Duchy of Cornwall, has agreed to assist in the removal of hundreds of abandoned boats, which now heavily litter the rivers and marinas in the south-west of England. Aside from being an ecological nightmare, leaking hazardous waste into local rivers, the costs of disposing of an abandoned boat can increase sharply as time goes by. Acting before tears and holes appear or rust sets in can save money in the long run.

## When is a boat abandoned?

The first question many ask before taking any action is whether the boat has truly been *abandoned*. Ordinarily, a boat is considered to be abandoned when the owner intentionally relinquishes all title and does not intend to return and recover it. The boat is then left to rot where they last left it. This question is very important because if the boat has not actually been abandoned, and a party disposes of it, they may be liable to the owner under the tort of conversion. They may even be required to cover the costs of replacing the boat. Any parties wishing to deal with it should, therefore, take steps to verify that it has, in fact, been abandoned.

## Dealing with the boat on a contractual footing – Liens

Abandoned boats are often left in the berth the owner originally paid for. Berthing fees, port dues, and other related expenses will continue to accrue. Ordinarily, there will be a berthing agreement made between the marina and the boat owner which may contain a lien clause, entitling the berth owner to hold on to the boat in their possession, pending payment of any outstanding fees. The lien clause might give the berth owner the right to sell the boat and use the proceeds of the sale to satisfy any outstanding debts owed. There may also be restrictions on the types of debt that will permit the berth owner to exercise this right. Obtaining legal advice on the clause and assistance in drafting any notice is often necessary.

## What if there is no contract in place?

- Torts (Interference with Goods) Act 1977: where the berth owner has become an involuntary bailee of the boat, they may be able to use this Act to sell the boat. They must still take certain prescribed steps set out in the Act itself.

- Statutory rights: the precise rights which may entitle a party to remove and sell an abandoned boat is difficult to pinpoint. They will depend on what statutory instruments and regimes the local authority has adopted. For example, Section 44 Harbour, Docks and Piers Clauses Act 1847 might permit the party to take, arrest or distrain the boat where the owner fails to make payment.
- Contact the authorities: Local harbour authorities may also make Harbour Orders as a form of delegated legislation under the Harbours Act 1964. A harbour is broadly defined by the 1964 act as any natural or artificial harbour, port, haven, estuary, dock, wharf, tidal or other river, or inland waterway navigated by sea-going ships. Statutory Harbour Authorities are responsible for the management and running of a harbour and will be empowered to remove abandoned boats in certain situations.

## What if the boat poses a danger?

Where the owner has abandoned the boat in a dangerous place, it can be swiftly dealt with under the *Dangerous Vessels Act 1985*. Under this Act, where an abandoned boat has been left in a position which may pose a grave and imminent danger, or it may seriously prevent or prejudice the use of, for example, a harbour or inland waterway, the harbour master may require removal of the boat by the owner, the master, or to any salvor in possession of the boat. This provides a mechanism for removing boats left in particularly egregious locations which require quick removal.

## A final note

Where a party is owed substantial sums and the boat's value is significant, it may become appropriate to consider formally arresting the boat with a view to selling it. This is a complex and time consuming process which will require court approval.

If you want to find out more about formal ship arrests and the various ways of handling an abandoned boat, or you are owed money by the owner and cannot locate them, please contact the [LA Marine](mailto:online.enquiries@LA-law.com) team at [online.enquiries@LA-law.com](mailto:online.enquiries@LA-law.com).